

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**WEST CHESTER DESIGN
BUILD, LLC, d/b/a COCOON
COMPANIES**

Plaintiff,

v.

**PHILIP MOSES and ONE TWENTY
ONE DESIGN & BUILD, LLC
Defendants.**

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**CIVIL ACTION
No. 22-1911**

ORDER

AND NOW, this 27th day of October, 2022, upon consideration of Defendants Philip Moses and One Twenty-One Design & Build, LLC's Motion to Dismiss Counts II-V of Plaintiff's Amended Complaint (ECF 11) and Plaintiff West Chester Design Build LLC d/b/a COCOON Companies' Response (ECF 13), and for the reasons set forth in the accompanying Memorandum of Law, it is **ORDERED** that Defendants' motion is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. The Motion is **GRANTED** with respect to COCOON's DTSA claim and Count V of the Amended Complaint is **DISMISSED**. If COCOON is able to allege sufficient facts to show its alleged Confidential Information was used in or intended to be used in interstate commerce, it may file a Second Amended Complaint, if any, on or before **Monday, November 7, 2022**. If it intends to stand on the claims in its Amended Complaint, it shall so inform the Court on or before that date;
2. The Motion is **DENIED** in all other respects.

It is **FURTHER ORDERED** that, because West Chester Design Build, LLC d/b/a COCOON Companies filed an Amended Complaint (ECF 7), the Motion to Dismiss filed at ECF 4 is **DISMISSED as MOOT**.

BY THE COURT:

A handwritten signature in blue ink, appearing to read "Berle M. Schiller", followed by a long horizontal stroke.

Berle M. Schiller, J.